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E-FILED - 10/30/13

7 Attorney for Defendant
8 Jorge Enrique Mendoza

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,) Case No.: CR 5:10-cr-00822-~~EQ~~
13)
14 Plaintiff,) STIPULATION AND [] ORDER TO
15) CONTINUE SÓSÚÓSOØSÖÁÖÖNÞØSÖ AND EXCLUSION
16 vs.) OF TIME UNDER THE SPEEDY TRIAL ACT
17) [18 U.S.C. §3161]
18 JORGE ENRIQUE MENDOZA,)
19)
20 Defendant.)
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29 The parties by and through their counsel of record, hereby stipulate to the following:
30 The parties have jointly agreed that the current sentencing hearing date of Thursday,
31 October 31, 2013 at 10:00 a.m. be continued to Thursday, December 5, 2013 at 10:00
32 a.m. The reason for this continuance is that defense counsel will be out of the
33 country on vacation. The court notified defense counsel of a change of the present
34 date of October 24 to October 31 and defense counsel had already made vacation plans.
35 For the factual reason above, the parties agree that the time between October 31, 2013
36 and December 5, 2013 shall be excludable from the Speedy Trial Act requirements of
37 Title 18, United States Code, Sections 3161 (h) (7) (A) and 3161(h) (7) (B) (iv).

38 The parties agree that the time is excludable in that the ends of justice
39 served by granting the continuance of the status conference to December 5, 2013
40 outweigh the best interests of the public and the defendant in a speedy trial. The
41 STIPULATION AND [] ORDER TO CONTINUE SENTENCING HEARING

1 parties agree that a continuance of the status conference to December 5, 2013 is
2 necessary to ensure both effective case preparation and the availability of defense
3 counsel, and denial of such a continuance would unreasonably deny defendant effective
4 case preparation and continuity of counsel pursuant to 18 U.S.C. §§3161(h) (7) (A) and
5 3161(h) (7) (B) (iv) .

6
7 Date: October 18, 2013

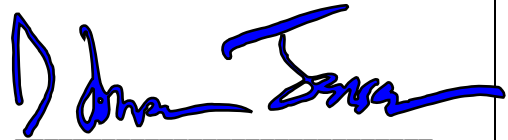
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9 /s/Robert W. Lyons
10 Robert W. Lyons
Attorney for Jorge Enrique Mendoza

11 Date: October 18, 2013

12 /s/Tom Colthurst
13 Tom Colthurst
Assistant United States Attorney

14
15 IT IS SO ORDERED.

16 Date: 10/30/13

17 
18 Honorable D. Lowell Jensen
United States District Judge